

CHAPTER 128

LANDHOLDER LIABILITY FOR PUBLIC USE OF PRIVATE PROPERTY

H.F. 649

AN ACT relating to the liability of a land holder for the public use of private lands and waters for a recreational purpose or urban deer control.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 461C.1, Code 2013, is amended to read as follows:

461C.1 Purpose.

The purpose of this chapter is to encourage private ~~owners~~ holders of land to make land and water areas available to the public for a recreational ~~purpose~~ purpose and for urban deer control by limiting ~~an owner's~~ a holder's liability toward persons entering onto the ~~owner's~~ holder's property for such purposes. The provisions of this chapter shall be construed liberally and broadly in favor of private holders of land to accomplish the purposes of this chapter.

Sec. 2. Section 461C.2, subsections 3, 5, and 6, Code 2013, are amended to read as follows:

3. "Land" means private land located in a municipality including that is one or any combination of the following: abandoned or inactive surface mines; caves; and; land used for agricultural purposes, including; marshlands; timber; grasslands; and or the privately owned roads, water paths, trails, waters, water courses, private ways and exteriors and interiors of buildings, structures, and machinery, or equipment appurtenant thereto. "Land" includes land that is not open to the general public. "Land" also includes private land located in a municipality in connection with and while being used for urban deer control.

5. "Recreational purpose" means the following or any combination thereof: Hunting, trapping, horseback riding, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, motorcycling, all-terrain vehicle riding, nature study, water skiing, snowmobiling, other summer and winter sports, educational activities, and viewing or enjoying historical, archaeological, scenic, or scientific sites while going to and from or actually engaged therein. "Recreational purpose" includes the activity of accompanying another person who is engaging in such activities. "Recreational purpose" is not limited to active engagement in such activities, but includes entry onto, use of, passage over, and presence on any part of the land in connection with or during the course of such activities.

6. "Urban deer control" means deer hunting with a bow and arrow on private land in a municipality, without charge, as authorized by a municipal ordinance, for the purpose of reducing or stabilizing an urban deer population in the municipality. "Urban deer control" is not limited to active engagement in the activity of urban deer control but includes entry onto, use of, passage over, and presence on any part of the land in connection with or during the course of such activity.

Sec. 3. Section 461C.3, Code 2013, is amended to read as follows:

461C.3 Liability of ~~owner~~ holder limited.

1. Except as specifically recognized by or provided in section 461C.6, ~~an owner~~ a holder of land ~~owes no~~ does not owe a duty of care to keep the premises safe for entry or use by others for a recreational ~~purpose~~ purpose or urban deer control, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes.

2. Except as specifically recognized by or provided in section 461C.6, a holder of land does not owe a duty of care to others solely because the holder is guiding, directing, supervising, or participating in any recreational purpose or urban deer control undertaken by others on the holder's land.

Sec. 4. Section 461C.4, unnumbered paragraph 1, Code 2013, is amended to read as follows:

Except as specifically recognized by or provided in section 461C.6, a holder of land who either directly or indirectly invites or permits without charge any person to use such property for a recreational purposes purpose or urban deer control does not thereby:

Sec. 5. Section 461C.4, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Assume a duty of care to such person solely because the holder is guiding, directing, supervising, or participating in any recreational purpose or urban deer control undertaken by the person on the holder's land.

Sec. 6. Section 461C.5, Code 2013, is amended to read as follows:

461C.5 Duties and liabilities of ~~owner~~ holder of leased land.

Unless otherwise agreed in writing, the provisions of sections 461C.3 and 461C.4 shall be deemed applicable to the duties and liability of ~~an owner~~ a holder of land leased, or any interest or right therein transferred to, or the subject of any agreement with, the United States or any agency thereof, or the state or any agency or subdivision thereof, for a recreational purposes purpose or urban deer control.

Sec. 7. Section 461C.6, Code 2013, is amended to read as follows:

461C.6 When liability lies against ~~owner~~ holder.

Nothing in this chapter limits in any way any liability which otherwise exists:

1. For willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

2. For injury suffered in any case where the ~~owner~~ holder of land charges the person or persons who enter or go on the land for the recreational use thereof or for deer hunting, except that in the case of land or any interest or right therein, leased or transferred to, or the subject of any agreement with, the United States or any agency thereof or the state or any agency thereof or subdivision thereof, any consideration received by the holder for such lease, interest, right, or agreement shall not be deemed a charge within the meaning of this section.

Sec. 8. Section 461C.7, subsection 2, Code 2013, is amended to read as follows:

2. Relieve any person using the land of another for a recreational purposes purpose or urban deer control from any obligation which the person may have in the absence of this chapter to exercise care in the use of such land and in the person's activities thereon, or from the legal consequences of failure to employ such care.¹

Approved June 17, 2013

¹ See chapter 140, §29, 39 herein